

Message Text

UNCLASSIFIED

PAGE 01 STATE 169685
ORIGIN DLOS-09

INFO OCT-01 ISO-00 AF-10 ARA-14 EA-09 EUR-12 NEA-10
IO-14 SSO-00 NSCE-00 USIE-00 INRE-00 ACDA-10
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02
COME-00 DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07
FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03
NSAE-00 NSC-05 NSF-02 OES-07 OMB-01 PA-02 PM-05
PRS-01 SP-02 SS-15 SIG-02 /177 R

DRAFTED BY D/LOS:JZEROLIS:AFR

APPROVED BY S/AR:AGJAMES

EUR/RPE:WSALISBURY

ARA/RPP:CFINAN (INFO)

EA/RA:MGELNER

AF/I:MR.SHURTLEFF

NEA/RA:JMORAN (INFO)

-----006879 202348Z /61

O 202211Z JUL 77

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS IMMEDIATE

UNCLAS STATE 169685

FOR AMBASSADOR OR CHARGE AND POST LOS OFFICER

E.O. 11652: N.A.

TAGS: PLOS

SUBJECT: PRESS STATEMENT BY AMBASSADOR ELLIOT RICHARDSON
ON THE SIXTH SESSION OF THE UN LAW OF THE SEA CONFERENCE
USEEC ALSO FOR EMBASSY BRUSSELS

1. AT A PRESS CONFERENCE TODAY AMBASSADOR RICHARDSON GAVE
THE UNITED STATES ASSESSMENT OF THE SIXTH SESSION OF THE
UNITED NATIONS CONFERENCE ON LAW OF THE SEA.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 169685

2. CERTAIN MISSIONS WILL BE RECEIVING SPECIAL INSTRUC-
TIONS AND A MESSAGE FROM AMBASSADOR RICHARDSON VIA SEPTTEL.
ALL OTHER POSTS SHOULD UNLESS THEY DEEM IT INADVISABLE,
CONVEY THIS STATEMENT TO APPROPRIATE HOST GOVERNMENT
OFFICIALS.

3. PRESS RELEASE USUN-57(77) DATED JULY 20, 1977

QTE THE INFORMAL COMPOSITE NEGOTIATING TEXT RESULTING FROM THIS SESSION OF THE U.N. LAW OF THE SEA CONFERENCE EVIDENCES REAL PROGRESS ON VITAL ISSUES RELATING TO INTERNATIONAL SECURITY AND FREEDOM OF NAVIGATION. AT THE SAME TIME IT SUBSTANTIALLY SETS BACK PROSPECTS FOR AGREEMENT ON AN INTERNATIONAL REGIME FOR THE CONDUCT OF SEABED MINING. BOTH THE SUBSTANCE OF THE TEXT ON THIS ISSUE AND THE LACK OF FAIR AND OPEN PROCESSES IN ITS FINAL

PREPARATION REQUIRE ME TO RECOMMEND THAT THE UNITED STATES UNDERTAKE A MOST SERIOUS AND SEARCHING REVIEW OF BOTH THE SUBSTANCE AND PROCEDURES OF THE CONFERENCE.

IT IS WITH A SENSE OF CONSIDERABLE FRUSTRATION THAT I MAKE THIS ACCOUNTING. FOR TRUE PROGRESS WAS MADE DURING THE PAST SESSION:

--NEW PROVISIONS WERE NEGOTIATED TO CLARIFY THE LEGAL STATUS OF THE NEW 200 MILE ECONOMIC ZONE. THEY SEEK TO SAFEGUARD TRADITIONAL HIGH SEAS FREEDOMS WITHIN THIS ZONE EXCEPT FOR SPECIFIC RESOURCE-RELATED RIGHTS ACCORDED COASTAL STATES BY THE CONVENTION. THESE PROVISIONS ARE A MARKED IMPROVEMENT OVER PREVIOUS TEXTS AND MAY HELP PREVENT EROSION OF HIGH SEAS FREEDOMS BY COASTAL STATE ATTEMPTS TO EXTEND THEIR SOVEREIGNTY OVER OCEAN SPACE.

--WE SUCCESSFULLY RETAINED THE GENERALLY SATISFACTORY UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 169685

PREVIOUS TEXTS ON PASSAGE OF STRAITS WHICH A DETERMINED MINORITY SOUGHT TO CHANGE. AT THE SAME TIME WE FOUND A WAY TO ACCOMMODATE THE REAL NEED FOR ENVIRONMENTAL PROTECTION IN STRAITS, PARTICULARLY IN AREAS SUCH AS THE STRAITS OF MALACCA.

--THE PROVISIONS OF THE TEXT DEALING WITH SCIENTIFIC RESEARCH WERE IMPROVED. AN EFFORT BY SOME DELEGATIONS TO INCREASE THE DEGREE OF COASTAL STATE CONTROL OF SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE WAS DEFEATED. IN THE NEW TEXT, THE CONDITIONS FOR CONDUCTING SCIENTIFIC RESEARCH ARE SET OUT CLEARLY, AND ARE LIKELY TO BE COPIED INTO NATIONAL LAWS, THUS REGULARIZING WHAT HAS UNTIL NOW BEEN A CAPRICIOUS SITUATION. ALSO, WE SUCCESSFULLY ELIMINATED A CLAUSE THAT COULD HAVE OBLIGED THE U.S. TO RESTRICT PUBLICATION OF SCIENTIFIC DATA AFTER THE FACT AND WITHOUT THE CONSENT OF SCIENTISTS, WHICH WAS HIGHLY OFFENSIVE TO OUR CONCEPTS OF FREE SCIENCE AND FREE SPEECH. NOW THE COASTAL STATE, IN GRANTING CONSENT, MUST INDICATE IN ADVANCE IF IT WISHES TO IMPOSE SUCH A RESTRICTION, AND IF SO THE SCIENTIST CAN DECIDE WHETHER HE WISHES TO PROCEED WITH THE PROJECT UNDER SUCH CIRCUMSTANCES.

--WE WERE SUCCESSFUL IN ELIMINATING TEXTS THAT COULD HAVE PREVENTED US FROM IMPOSING RULES IN OUR TERRITORIAL SEA TO PREVENT POLLUTION FROM FOREIGN SHIPS. AT THE SAME TIME, WE RETAINED OUR RVGHT TO FIX STRICT ENVIRONMENTAL CONDITIONS--INCLUDING CONSTRUCTION, MANNING, EQUIPMENT AND DESIGN REGULATIONS--FOR ENTRY INTO U.S. PORTS. THESE CHANGES BRING THE TEXT INTO FULL HARMONY WITH THE ADMINISTRATION'S ANTI-POLLUTION PROGRAM.

--CONTINUED PROGRESS WAS MADE IN THE DESIGN OF A COMPREHENSIVE SYSTEM FOR PEACEFUL SETTLEMENT OF DISPUTES RELATING TO OCEAN USES.

--UNDER THE FAIR AND JUDICIOUS LEADERSHIP OF MINISTER JENS EVENSEN OF NORWAY A RESPONSIBLE AND EFFECTIVE
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 169685

DISCUSSION OF SEABED ISSUES TOOK PLACE. THIS DISCUSSION AND THE TEXTS FORMULATED BY MINISTER EVENSEN OFFERED REAL PROSPECT THAT THE IMPASSE ON SEABED MINING ISSUES COULD BE RESOLVED ON TERMS ACCEPTABLE TO BOTH THE DEVELOPED AND DEVELOPING NATIONS.

REGRETTABLY, HOWEVER, THE NEW QTE COMPOSITE UNQTE TEXT CONCERNING THE SYSTEM OF EXPLOITATION AND GOVERNANCE OF THE DEEP SEABED AREA (PART XI) IS NOW FUNDAMENTALLY UNACCEPTABLE. IT DEVIATES MARKEDLY FROM THE PROPOSED COMPROMISE TEXT WHICH HAD BEEN PREPARED ON THE BASIS OF FULL, FAIR AND OPEN DISCUSSION UNDER MINISTER EVENSEN'S LEADERSHIP.

THE EVENSEN TEXT, ALTHOUGH NOT WITHOUT PROBLEMS, WAS GENERALLY VIEWED AS A USEFUL BASIS FOR FURTHER NEGOTIATION. THE NEWER TEXT--PRODUCED IN PRIVATE, NEVER DISCUSSED WITH A REPRESENTATIVE GROUP OF CONCERNED NATIONS, AND RELEASED ONLY AFTER THIS SESSION OF THE CONFERENCE TERMINATED--CANNOT BE VIEWED AS A RESPONSIBLE SUBSTANTIVE CONTRIBUTION TO FURTHER NEGOTIATION. INDEED, THE MANNER OF ITS PRODUCTION--TREATING WEEKS OF SERIOUS DEBATE AND RESPONSIBLE NEGOTIATION AS ESSENTIALLY IRRELEVANT--RAISES AN EQUALLY SERIOUS PROCEDURAL PROBLEM: WHETHER THE LAW OF THE SEA CONFERENCE CAN BE ORGANIZED TO TREAT DEEP SEABED ISSUES WITH THE SERIOUSNESS THEY, AND THE CONFERENCE WHICH DEPENDS UPON THEIR SATISFACTORY RESOLUTION, DEMAND.

AMONG THE SERIOUS POINTS OF SUBSTANTIVE DIFFICULTY IN THE LATEST DEEP SEABEDS TEXT, AND THE SYSTEM IT WOULD DEFINE, ARE THE FOLLOWING:

UNCLASSIFIED

UNCLASSIFIED

PAGE 05 STATE 169685

IT WOULD NOT GIVE THE REASONABLE ASSURANCE OF ACCESS THAT IS NECESSARY IF WE AND OTHERS COULD BE EXPECTED TO HELP FINANCE THE ENTERPRISE AND TO ACCEPT A QTE PARALLEL SYSTEM UNQTE AS A BASIS OF COMPROMISE.

" IT COULD BE READ TO MAKE TECHNOLOGY TRANSFER BY CONTRACTORS A CONDITION OF ACCESS TO THE DEEP SEABED-- SUBJECT, AT LEAST IN PART, TO NEGOTIATION IN THE PURSUIT OF A CONTRACT.

IT COULD BE READ TO GIVE THE SEABED AUTHORITY THE POWER EFFECTIVELY TO MANDATE JOINT VENTURES WITH THE AUTHORITY AS A CONDITION FOR ACCESS.

IT FAILS TO SET CLEAR AND REASONABLE LIMITS ON THE FINANCIAL BURDENS TO BE BORNE BY CONTRACTORS; INDEED, IT SIMPLY COMBINES A WIDE RANGE OF ALTERNATIVE FINANCIAL BURDENS, AS IF SUCH A COMBINATION COULD BE A COMPROMISE --WHEN, IN FACT, IT IS LIKELY TO PROVE A COMPOUND BURDEN SUFFICIENT TO STIFLE SEABED DEVELOPMENT.

IT WOULD SET AN ARTIFICIAL LIMIT ON SEABED PRODUCTION OF MINERALS FROM NODULES--WHICH IS NOT ONLY OBJECTIONABLE IN PRINCIPLE; IT IS ALSO FAR MORE STRINGENT THAN WOULD BE NECESSARY TO PROTECT SPECIFIC DEVELOPING COUNTRY PRODUCERS FROM POSSIBLE ADVERSE EFFECTS, AND IS INCOMPATIBLE WITH THE BASIC ECONOMIC INTERESTS OF A DEVELOPING WORLD GENERALLY.

IT WOULD GIVE THE SEABED AUTHORITY EXTREMELY BROAD NEW, OPEN-ENDED POWER TO REGULATE ALL OTHER MINERAL PRODUCTION FROM THE SEABED QTE AS APPROPRIATE UNQTE.

IT WOULD APPEAR, ARGUABLY, TO GIVE THE AUTHORITY UNACCEPTABLE NEW POWER TO REGULATE SCIENTIFIC RESEARCH IN THE AREA.

UNCLASSIFIED

UNCLASSIFIED

PAGE 06 STATE 169685

IT WOULD FAIL ADEQUATELY TO PROTECT MINORITY INTERESTS IN ITS SYSTEM OF GOVERNANCE AND WOULD, ACCORDINGLY, THREATEN TO ALLOW THE ABUSE OF POWER BY AN ANOMALOUS QTE MAJORITY UNQTE.

IT WOULD ALLOW THE DISTRIBUTION OF BENEFITS FROM SEA-

BED EXPLOITATION TO PEOPLES AND COUNTRIES NOT PARTY
TO THE CONVENTION.

IT WOULD SERIOUSLY PREJUDICE THE LIKELY LONG-TERM
CHARACTER OF THE INTERNATIONAL REGIME, BY REQUIRING
THAT--IF AGREEMENT TO THE CONTRARY IS NOT REACHED
WITHIN 25 YEARS--THE REGIME SHALL AUTOMATICALLY BE
CONVERTED INTO A QTE UNITARY UNQTE SYSTEM, RULING OUT
DIRECT ACCESS BY CONTRACTORS, EXCEPT TO THE EXTENT
THAT THE AUTHORITY MIGHT SEEK THEIR PARTICIPATION IN
JOINT VENTURES WITH IT.

WITH THIS UNFORTUNATE, LAST-MINUTE DEVIATION FROM WHAT
HAD SEEMED TO BE AN EMERGING DIRECTION OF PROMISE IN
THE DEEP SEABED NEGOTIATIONS, I AM LED NOW TO RECOMMEND

TO THE PRESIDENT OF THE UNITED STATES THAT OUR GOVERNMENT
MUST REVIEW NOT ONLY THE BALANCE AMONG OUR SUBSTANTIVE
INTERESTS, BUT ALSO WHETHER AN AGREEMENT ACCEPTABLE TO
ALL GOVERNMENTS CAN BEST BE ACHIEVED THROUGH THE KIND
OF NEGOTIATIONS WHICH HAVE THUS FAR TAKEN PLACE. VANCE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, LAW OF THE SEA, PRESS CONFERENCES, SPEECHES
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE169685
Document Source: CORE
Document Unique ID: 00
Drafter: JZEROLIS:AFR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770258-0680
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770736/aaaabfhr.tel
Line Count: 245
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: aefd6d66-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1799659
Secure: OPEN
Status: NATIVE
Subject: PRESS STATEMENT BY AMBASSADOR ELLIOT RICHARDSON ON THE SIXTH SESSION OF THE UN LAW OF THE SEA CONFERENCE USEEC ALSO FOR EMBASSY BRUSSELS
TAGS: PLOS, (RICHARDSON, ELLIOT)
To: ALL POSTS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/aefd6d66-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009